

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

IN RE:

JOEL C. GROSHONG,  
  
Debtor.

Case No. 11-02179-KMS  
Chapter 11

**RESPONSE IN OBJECTION TO MOTION FOR DISCHARGE**

COMES NOW, U.S. Bank National Association, as Trustee of Chalet Series III Trust (“U.S. Bank”), and files this Objection to Debtor’s Motion for Discharge, respectfully showing this Honorable Court as follows:

1. Joe C. Groshong (the “Debtor”) filed a petition for chapter 11 relief on June 20, 2011, [Doc. 1].

2. U.S. Bank is the holder of Claim 21, which evidences a mortgage loan obtained by the Debtor. [Claim No. 21-1].

3. Debtor’s Chapter 11 Plan was confirmed on July 29, 2013. [Doc. 591]. Pursuant to the confirmed plan, Debtor was required to make equal monthly payments towards the indebtedness. [Doc. 550, p. 7]. The Debtor’s monthly payment is \$435.47. [Doc. 880, ¶ 4].

4. On October 10, 2019, Debtor filed a Motion for Discharge, [Doc. 1065], asserting that “Debtor has completed all of the requirements of his Plan of reorganization” and is therefore “entitled to receive his discharge at the present time.” [Doc. 1065, ¶¶ 4-5].

5. U.S. Bank objects to Debtor’s request for an Order granting discharge on the grounds that Debtor has defaulted on the terms of the Chapter 11 Plan. Specifically, Debtor has failed to make all post-petition payments required by the plan.

6. The Debtor is currently due and owing for the June 1, 2019 through October 1, 2019 payments. As of October 1, 2019, Debtor is delinquent in post-petition payments in the total amount of \$2,177.35, with a Suspense Balance Credit of \$292.97.

7. The confirmed plan provides that “[t]he Debtor’s discharge shall be granted when the Debtor completes all Plan payments.” [Doc. 550] at p. 15.

8. U.S. Bank respectfully submits that due to the fact Debtor has failed to comply with all Plan requirements and is currently in default, a discharge under Chapter 11 of the Bankruptcy Code would be inappropriate at this time.

WHEREFORE, U.S. Bank respectfully requests that this Court inquire into the matters raised herein and deny Debtor’s Motion for Discharge.

Respectfully submitted, this 31st day of October 2019.

/s/ Amanda Beckett  
Amanda M. Beckett (ASB-1884-N75B)  
Timothy P. Pittman (ASB-0075-I51P)  
**RUBIN LUBLIN, LLC**  
428 N. Lamar Blvd., Suite 107  
Oxford, MS 38655  
(601) 398-0153 (Telephone)  
(404) 921-9016 (Facsimile)  
abeckett@rubinlublin.com  
tpittman@rubinlublin.com

*Attorneys for U.S. Bank*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 31<sup>st</sup>, 2019, I filed the within and foregoing via CM/ECF,  
which will serve notice on the following via electronic means:

Craig M. Geno  
Law Offices of Craig M. Geno  
587 Highland Colony Parkway  
Ridgeland, MS 39158

Christopher J. Stieskal  
Office of the United States Trustee  
christopher.j.steiskal@usdoj.gov

/s/ Amanda Beckett  
Amanda M. Beckett (ASB-1884-N75B)